

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
POONAM SHARMA,

Plaintiff,

-against-

BURBERRY LIMITED,

Defendant.
-----X

MEMORANDUM AND ORDER
CV 12-6356

APPEARANCES:

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E.D.N.Y.

HARRISON HARRISON & ASSOCIATES, LTD. ★ NOV - 9 2012 ★
BY: DAVID HARRISON, ESQ.
110 State Highway 35, 2nd Floor
Red Bank, New Jersey 07701
LONG ISLAND OFFICE

WEXLER, District Judge:

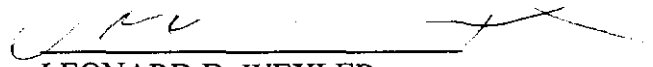
Plaintiff, who is represented by counsel commenced pursuant to federal and New York State law seeking unpaid overtime wages and other appropriate relief, including statutory attorney's fees. Presently before the court is Plaintiff's motion for leave to proceed in forma pauperis.

A party seeking to proceed in forma pauperis, must demonstrate that he or she "cannot because of his poverty pay or give security for the costs [inherent in litigation] and still be able to provide himself and dependents with the necessities of life." Adkins v. E.I. Du Pont De Nemours & Co., Inc., 335 U.S. 331, 339 (1948); see also Esan v. Franklin Hosp., 2010 WL 2816329 *1 (E.D.N.Y. 2010); Kilichowski v. Hocky, 1999 WL 504285 *1 (E.D.N.Y. 1999). Plaintiff's affidavit states that she has incurred credit card debt and a mortgage, and is experiencing difficulty making payments on those debts. It is also stated that plaintiff is employed, and is presently earning a monthly salary of \$2040.00. Additionally, Plaintiff has

equity in her home, as well as funds in a checking account. Under these circumstances the court holds that Plaintiff can pay the filing fee and still provide herself with the necessities of life.

Accordingly, the motion to proceed in forma pauperis is denied. If she has not already done so, Plaintiff is directed to pay the appropriate filing fee within two (2) weeks of the date of this Order or this action will be dismissed.

SO ORDERED.


LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Central Islip, New York
January 4, 2013